

EXHIBIT 80

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL) MDL No. 2804
5 PRESCRIPTION OPIATE)
6 LITIGATION,) Case No.
7) 1:17-MD-2804
8)
9 THIS DOCUMENT RELATES TO) Hon. Dan A.
10 ALL CASES) Polster
11)
12)
13)
14)

15 Friday, January 11, 2019
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23 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
24 CONFIDENTIALITY REVIEW
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33 Videotaped Deposition of DEBBIE HODGES, held
34 at 4206 South J.B. Hunt Drive, Rogers,
35 Arkansas, commencing at 8:15 a.m., on the
36 above date, before Debra A. Dibble, Certified
37 Court Reporter, Registered Diplomate
38 Reporter, Certified Realtime Captioner,
39 Certified Realtime Reporter and Notary
40 Public.
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1 A. It's the number of orders of
2 interest.

3 Q. Orders of interest. Okay.
4 You'll see the subpoint there. It says, "67
5 alerts were for controlled substances which represents
6 48 percent of the alerts."

7 Did Reddwerks flag orders that
8 were not controlled substances?

9 A. Yes.

10 Q. Okay. So this -- so the
11 balance, 142, minus 67. The balance would be
12 for non-controlled substances; is that right?

13 A. Correct.

14 Q. Okay. I'm going to continue
15 down to the next bullet. 25 alerts were sent
16 to practice compliance for further review.

17 Do you see that?

18 A. I do.

19 Q. Now, I want to understand what
20 that means in the context of the process we
21 were discussing for the better part of today.

22 Is this -- are these 25 alerts
23 sent from the SOM group that you oversaw to
24 the practice compliance group?

25 A. 67. Number of total

1 represents --

2 (Sotto voce document review by
3 the witness.)

4 So the practice -- so --

5 MS. TABACCHI: I'm going to
6 just object to the form.

7 THE WITNESS: Yeah, I didn't --

8 So the practice and compliance,
9 25 alerts. The practice and
10 compliance team would be -- to my
11 recollection would be the -- well, do
12 you know what? I'm just -- I'm not
13 sure, the practice and compliance,
14 what it means in this context.

15 Q. (BY MR. INNES) Okay. So this
16 is a -- again, a weekly update.

17 A. Yeah. It is.

18 Q. Yeah.

19 So do you receive these on a
20 weekly basis?

21 A. I did. Yes, I did.

22 Q. Okay.

23 And it comes from Nick Tallman.

24 Who is Nick Tallman?

25 A. He's a direct report of mine.

1 Q. So they typically come from
2 Nick?

3 A. They do. He drafted it. I
4 didn't draft it, but he did.

5 Q. Sure. Because Nick drafts this
6 email and sends it to you; right?

7 A. Correct.

8 Q. At the top it says "Debbie"?

9 A. Correct.

10 Q. Did you review these on a
11 weekly basis?

12 A. I read them on a weekly basis.

13 Q. And did you understand what
14 they meant on a weekly basis?

15 A. Well, I did at the time. I'm
16 just saying I'm -- I'm not sure if it -- if
17 this 25 was to -- was to the SOM team or to
18 Roxy's team.

19 Q. Well, isn't Roxy's team known
20 as practice compliance?

21 A. The -- yes.

22 Q. Okay. So the SOM update is 25
23 alerts were sent to practice compliance.

24 A. Mm-hmm.

25 Q. Does that mean that 25 alerts

1 were sent from logistics to practice
2 compliance for further review?

3 A. It means that 25 of the total
4 alerts were sent to the practice and
5 compliance team. To the -- to the Roxy team.

6 Q. Okay. So we see here that
7 there's 142 total alerts.

8 A. Mm-hmm.

9 Q. So does that mean that of the
10 142, all but 25 were cleared for shipment?

11 MS. TABACCHI: Object to the
12 form.

13 THE WITNESS: No. It means
14 that there were just -- these were
15 just the -- these were just the
16 alert -- oops, sorry, I've got my cell
17 phone.

18 So it means that 25 were sent
19 to compliance. So it may mean that --
20 I'm not going to speculate.

21 So it means that 25 were sent
22 to Roxy and team.

23 Q. (BY MR. INNES) Okay. So what
24 happened to the balance of those? The ones
25 that weren't sent to Roxy?

1 A. You know --

2 MS. TABACCHI: Object to the
3 form.

4 THE WITNESS: In this
5 circumstance, I can't tell you what
6 happened to them.

7 Q. (BY MR. INNES) Why is that?

8 A. Well, because I don't have the
9 context. I would have asked the question at
10 the time, but I don't recollect. That's why.
11 I don't recollect what happened
12 to them.

13 Q. So you would have made an
14 inquiry at some point from one of your direct
15 reports regarding the disposition of alerts;
16 is that right?

17 A. I would have made an inquiry to
18 a lot of things on this document. We -- we
19 talked about a lot of different things. I
20 don't know -- I don't even recall if I
21 specifically asked that, but the -- we -- I
22 talk about a lot of different things on this
23 document.

24 Q. All right. And, you know, your
25 prior testimony, I believe, was when we were

1 discussing alerts that were reviewed by your
2 team, that you didn't inquire as to the
3 disposition of those alerts following the
4 review.

5 MS. TABACCHI: Object to the
6 form.

7 THE WITNESS: Can you repeat
8 that, please?

9 MR. INNES: Sure.

10 Q. (BY MR. INNES) I believe your
11 prior testimony was quite clear that you did
12 not inquire as to the disposition of orders
13 of interest that were reviewed by the SOM
14 team until the meeting you had with Roxy or
15 Miranda or their designees.

16 MS. TABACCHI: Object to the
17 form.

18 THE WITNESS: So I get -- I
19 do -- I did get this written update,
20 and if I had questions at the time, I
21 asked questions.

22 I can't tell you if I asked
23 questions here. I can tell you that I
24 asked questions on -- about -- from
25 this page, because I asked the team in

1 their one-on-ones the different -- the
2 questions where I have questions, but
3 I can't tell you if I asked questions
4 on that.

5 Q. (BY MR. INNES) On this
6 particular --

7 A. Correct.

8 Q. -- particular --

9 A. And I think that's what you
10 were asking; right?

11 Q. That was what I was asking.

12 Now I'm going to ask you a
13 little more generally. Was it your common
14 practice, after reviewing these SOM updates,
15 to inquire of your team members as to what
16 happened with the orders that were not
17 forwarded to practice compliance?

18 A. The -- so -- so I did not -- I
19 can tell you I didn't recall here -- and you
20 asked me -- repeat it for me.

21 Q. Sure.

22 MR. INNES: Can you read back
23 my last question?

24

25 (Whereupon, the following

1 testimony was read by the court
2 reporter.)

3 "QUESTION: Now I'm going to
4 ask you a little more generally. Was
5 it your common practice, after
6 reviewing these SOM updates, to
7 inquire of your team members as to
8 what happened with the orders that
9 were not forwarded to practice
10 compliance?"

11 (End of readback.)

12 THE WITNESS: So I didn't --
13 after I reviewed this document, did I
14 inquire as to this?

15 Q. (BY MR. INNES) Well, again,
16 we've -- I think we've covered that you did
17 not do that with this particular -- you don't
18 recall doing that with this particular --

19 A. I don't recall. I may have, I
20 don't recall.

21 Q. Sure.

22 Now I'm asking in a more
23 general sense. Was it your practice when
24 receiving a weekly report to make an inquiry
25 of your team members regarding the orders

1 that were not forwarded to practice
2 compliance for further review?

3 A. I may have asked questions as
4 to why, but I didn't in -- I did not ask -- I
5 didn't -- I think you said did you inquire
6 about the individual -- are you talking
7 individuals or ...

8 Q. Did you make an inquiry of any
9 of your team members regarding the orders
10 that were not forwarded to practice
11 compliance?

12 A. I possibly did. I possibly
13 did.

14 Q. And how would you have made
15 that inquiry?

16 A. During their one-on-ones I
17 would have asked questions.

18 Q. And what kind of questions
19 would you have asked?

20 A. I don't recall. Typically I
21 would have looked at the information at the
22 time, and I say, "Hmm, talk to me about
23 what's going on here."

24 Q. So sitting here today, would
25 you have questions about the information you

1 see here?

2 MS. TABACCHI: Object to the
3 form.

4 THE WITNESS: It's possible
5 that I would have -- that I could have
6 or would have or might have or --
7 it's asked, what's the difference.
8 But I don't recall doing that, and I
9 don't recall any answer because I
10 certainly don't recall doing it.

11 Q. (BY MR. INNES) And why would
12 you have had those questions?

13 MS. TABACCHI: Object to the
14 form.

15 THE WITNESS: I would have had
16 those -- just because I ask questions.
17 Because ...

18 That's a possible question.

19 Q. (BY MR. INNES) Is it possible
20 that the balance of alerts were all cleared
21 because of keying entries?

22 MS. TABACCHI: Object to the
23 form.

24 THE WITNESS: That's pure
25 speculation. I wouldn't -- I wouldn't

1 be able to answer that. I don't
2 recall even what these were, so ...

3 Or I don't even recall if I had
4 questions, rather, on them. So I
5 certainly couldn't go the leap further
6 that you just asked.

7 Q. (BY MR. INNES) Were these
8 weekly reports sent to you in the same format
9 on a weekly basis?

10 A. Sometimes.

11 So were they on a consistent?
12 Did you use the word "consistent"?

13 Q. Were they sent to you in a
14 consistent format, that's correct.

15 A. We've updated this format.
16 That's why I said "consistent."

17 So are you talking from date to
18 date was it the same format?

19 Q. From week to week, yes.

20 A. Now, what was the question?
21 Sorry.

22 Q. Is, these were weekly updates
23 that were received every week; is that
24 correct?

25 A. Right.

1 Q. Did they come in the same
2 format each week?

3 A. At some point we changed
4 formats. I do recall that.

5 So I can't answer if they are
6 this way since I took over.

7 Q. Okay.

8 A. And so I don't know.

9 Q. Did --

10 A. Because I know they changed, so
11 I don't know what that timeframe was, even if
12 they were adjusted.

13 Q. And did the format change
14 during your tenure in that position?

15 A. Yes, it has.

16 Q. And did it change at your
17 request?

18 A. Actually, not at my request.

19 There was conversation around
20 what -- there was conversation around what
21 the strategy was and were we aligning our
22 report to our strategy. Our supply chain
23 strategy.

24 Q. And the information that was
25 contained in these weekly updates, was that